

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JONATHAN J. CREWS,

Petitioner,

Case No. 04-70841

v.

HONORABLE DENISE PAGE HOOD

JOHN CASON,

Respondent.

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ORDER

On August 31, 2005, the Court issued an Opinion and Order and Judgment dismissing Petitioner's Writ of Habeas Corpus under 28 U.S.C. § 2254. Petitioner filed a Notice of Appeal on January 3, 2006, along with a Motion for Leave to Proceed in Forma Pauperis on appeal and a Motion for Discovery.

Before Petitioner may appeal the Court's dispositive decision denying his habeas petition, a certificate of appealability must issue. 28 U.S.C. § 2253(c)(1)(B); Fed. R. App. P. 22(b). The Court must either issue a certificate of appealability indicating which issues satisfy the required showing or provide reasons why such a certificate should not issue. 28 U.S.C. § 2253(c)(3); Fed. R. App. P. 22(b); *In re Certificates of Appealability*, 106 F.3d 1306, 1307 (6th Cir. 1997). A certificate of appealability may be issued "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The substantial showing threshold is satisfied when a petitioner demonstrates "that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). When a prisoner's habeas corpus petition is denied on procedural grounds, a certificate of appealability "should issue . . . if the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that

jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Id.*

For the reasons set forth above and in the Court’s August 31, 2005 Opinion and Order dismissing the Petition, the Court finds Petitioner has made no substantial showing of a denial of a constitutional right or that reasonable jurists would find the Court’s reasoning debatable.

Accordingly,

IT IS ORDERED that Petitioner’s for a Certificate of Appealability [**Docket No. 52, filed January 3, 2006**] is DENIED.

IT IS FURTHER ORDERED that Petitioner’s Motion for Discovery [**Docket No. 50, filed January 3, 2006**] is DENIED.

/s/ DENISE PAGE HOOD

DENISE PAGE HOOD

United States District Judge

DATED: March 14, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 14, 2006, by electronic and/or ordinary mail.

s/William F. Lewis

Case Manager